

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
ASHEVILLE DIVISION  
1:03cv289

HOWARD MOLTON,  
Plaintiff,

vs.

GENERAL ELECTRIC CAPITAL  
ASSURANCE COMPANY,  
Defendant.

ORDER

On March 23, 2005, the magistrate judge issued a Memorandum and Recommendation in the present case recommending that the Defendant's motion for summary judgment be granted. The parties were advised that objections were to be filed in writing within fourteen days after service of the magistrate judge's decision. The deadline for filing objections has since passed, and neither party has filed objections in this matter. After a careful review of the Memorandum and Recommendation, the Court finds that the magistrate judge's proposed findings of fact are supported by the record and that the proposed conclusions of law are consistent with current case law. Accordingly, the Court hereby accepts the magistrate judge's recommendation that the Defendant's motion for summary judgment be granted and the instant action be dismissed with prejudice.

**THEREFORE, IT IS HEREBY ORDERED** that the Defendant's motion for Summary Judgment is **GRANTED**, and this matter is **DISMISSED** with prejudice.

Signed: February 13, 2006



Robert J. Conrad, Jr.  
United States District Judge

